

Fifty-fifth  
Legislative Assembly  
of North Dakota

**SENATE BILL NO. 2355**

Introduced by

Senator Kelsh

1 A BILL for an Act to create and enact two new sections to chapter 43-29 of the North Dakota  
2 Century Code, relating to examination, licensing, and continuing education requirements of  
3 veterinarians; to amend and reenact sections 43-29-01.1, 43-29-03, 43-29-06, 43-29-07,  
4 43-29-09, 43-29-13, 43-29-14, 43-29-15, and 43-29-16 of the North Dakota Century Code,  
5 relating to veterinarians; and to repeal sections 43-28-09 and 43-29-12 of the North Dakota  
6 Century Code, relating to veterinary certificates of registration and definition of veterinary  
7 medicine.

8 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

9 **SECTION 1. AMENDMENT.** Section 43-29-01.1 of the 1995 Supplement to the North  
10 Dakota Century Code is amended and reenacted as follows:

11 **43-29-01.1. Definitions.** As used in this chapter, unless the context otherwise  
12 requires:

- 13 1. "Accredited or approved college of veterinary medicine" means any veterinary  
14 college or division of a university or college which offers the degree of doctor of  
15 veterinary medicine or its equivalent and which conforms to the standards required  
16 for accreditation or approval by the American veterinary medical association.
- 17 2. "Accredited program in veterinary technology" means any postsecondary  
18 educational program of two or more academic years that has fulfilled the essential  
19 criteria established by the committee on veterinary technician education and  
20 activities and approved by the American veterinary medical association house of  
21 delegates.
- 22 3. "Animal" means any animal other than a human being. The term includes a any  
23 mammal, bird, fish, and reptile, or fowl, whether wild or domestic, living or dead.
- 24 2. 4. "Board" means the board of veterinary medical examiners.

5. "Certificate" means a certificate issued by the American veterinary medical association educational commission for foreign veterinary graduates, indicating the holder has demonstrated knowledge and skill equivalent to that possessed by a graduate of an accredited or approved college of veterinary medicine.

~~3-~~ 6. "Licensed veterinarian" means a person who is licensed by the board to practice veterinary medicine.

~~4-~~ 7. "Licensed veterinary technician" means a person who has graduated from a an accredited program in veterinary technology program that is accredited according to the standards adopted by the American veterinary medical association's committee on veterinary technician education and activities, or an equivalent program as determined by the board, and who has passed an examination prescribed by the board.

8. "Practice of veterinary medicine" means to:

- a. Diagnose, treat, correct, change, relieve, or prevent animal disease, deformity, defect, injury, or other physical or mental conditions. The term includes the prescription or administration of any drug, medicine, biologic, apparatus, application, anesthetic, or other therapeutic or diagnostic substance or technique, the use of any manual or mechanical procedure for testing for pregnancy, or for correcting sterility or infertility, or to render advice or recommendation with regard to any of the above.
- b. Represent, directly or indirectly, publicly or privately, an ability and willingness to do an act described in subdivision a.
- c. Use any title, word, abbreviation, or letter in a manner or under circumstances that induce the belief the person using the title, word, abbreviation, or letter is qualified to do any act described in subdivision a.
- d. Apply principles of environmental sanitation, food inspection, environmental pollution control, animal nutrition, zoonotic disease control, and disaster medicine in the promotion and protection of public health.

9. "Veterinarian-client-patient relationship" means:

- a. The veterinarian has assumed the responsibility for making medical judgments regarding the health of an animal and the need for medical

treatment, and the client, who is the owner or other caretaker, has agreed to follow the instruction of the veterinarian.

b. There is sufficient knowledge of the animal by the veterinarian to initiate at least a general or preliminary diagnosis of the medical condition of the animal. This means the veterinarian has recently seen and is personally acquainted with the keeping and care of the animal by virtue of an examination of the animal, or by medically appropriate and timely visits to the premises where the animal is kept.

c. The practicing veterinarian is readily available for followup in the case of adverse reactions or failure of the regimen of therapy.

10. "Veterinary medicine" includes veterinary surgery, obstetrics, dentistry, chiropractic, acupuncture, and all other branches or specialties of veterinary medicine.

**SECTION 2. AMENDMENT.** Section 43-29-03 of the North Dakota Century Code is amended and reenacted as follows:

**43-29-03. Officers of board - Seal - Meetings - Limitations on meetings - Examinations - Rules - Code of ethics - Inspection of facilities - Educational requirements - Reciprocity.**

1. The ~~state board of veterinary medical examiners~~ shall elect a president and a secretary. The board shall have a ~~common~~ seal, and the president and the secretary ~~thereof~~ may administer oaths. ~~It~~ The board shall hold meetings semiannually in the spring and fall of each year for the examination of candidates at a time and place specified by ~~said~~ the board. ~~This~~ The board may hold ~~such~~ any other meetings as meeting it may deem determines necessary at ~~such the~~ time and place ~~as it shall designate~~ designates. No session of the board may exceed two days. A quorum of the board consists of two members and such quorum is sufficient to conduct the business and proceedings of the board ~~set forth in this chapter~~, except that any changes in the rules ~~and regulations~~ must be taken at a meeting at which all ~~of~~ the members are present.

2. The board ~~is hereby authorized and empowered to promulgate, revise, alter, amend, may adopt~~ and enforce reasonable rules, ~~regulations~~, and orders ~~which~~

1 ~~that it determines in its discretion~~ to be necessary to the performance of its duties  
2 and the regulation of the practice of veterinary medicine; ~~to~~ establish standards for  
3 professional conduct, inspection of facilities, and educational requirements for  
4 renewal and granting of licenses; ~~to~~ prescribe forms for application for  
5 examination; ~~to~~ prepare and supervise examination of applicants for license to  
6 practice veterinary medicine; ~~to~~ obtain the services of professional examination  
7 agencies in lieu of its own preparation of such examinations; and ~~to~~ issue and  
8 revoke licenses as ~~hereinafter~~ provided in this chapter. All rules ~~so promulgated,~~  
9 ~~revised, altered, or amended~~ must be submitted to the attorney general in  
10 accordance with chapter 28-32. ~~If approved, they must be printed and mailed to all~~  
11 ~~licensed veterinarians practicing within this state.~~

12 3. The board may, in its discretion, enter ~~into~~ reciprocal agreements with the  
13 examining boards of other states and nations, governing the granting of licenses to  
14 practice veterinary medicine and surgery in ~~the~~ this state of ~~North Dakota~~ without  
15 the applicant taking a written examination. Under no circumstances, however, may  
16 any reciprocal agreement be entered ~~into~~ with the board of another state or nation  
17 unless the requirements for the granting of licenses in the other state or nation are  
18 on an equal or higher standard to the requirements of ~~North Dakota~~ this state. The  
19 board may prescribe by ~~regulation~~ rule any other terms or conditions to be  
20 contained in ~~any such~~ the agreements. The board shall determine the fee for  
21 license by reciprocity agreement ~~must be determined by the board.~~

22 **SECTION 3. AMENDMENT.** Section 43-29-06 of the North Dakota Century Code is  
23 amended and reenacted as follows:

24 **43-29-06. Graduation from recognized school and certificate or permit from board**  
25 **required —Application for license.** Only ~~those persons who are graduates~~ a graduate of the  
26 veterinary course offered in a veterinary school, college, or university recognized by the board,  
27 and who possesses a certificate of registration or permit issued by the ~~state board of veterinary~~  
28 ~~medical examiners~~ which is in full force and effect may ~~hold themselves out or~~ engage in the  
29 practice of veterinary medicine, surgery, ~~or~~ dentistry, or any department ~~thereof~~ of veterinary  
30 medicine, surgery, or dentistry.

1       ~~Any person qualified under the provisions of this chapter, desiring to begin the practice~~  
2 ~~of veterinary medicine or veterinary surgery in the state of North Dakota, shall make application~~  
3 ~~to said board for license to do so. Such application must be made at least thirty days prior to~~  
4 ~~the meeting of the board. The board shall give public notice of the time and place for the~~  
5 ~~examination.~~

6       **SECTION 4. AMENDMENT.** Section 43-29-07 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8       **43-29-07. Application for license - ~~Fees for examination and registration—Fees~~**  
9 **~~not to be returned—Renewal fees—Certificate of registration—Roster of registered~~**  
10 **~~veterinarians— Change of address - Renewal of registration upon forfeiture~~ Display of**  
11 **certificate of registration.**

12       1. Any person desiring a license to practice veterinary medicine in this state shall  
13 make written application ~~for licensing to the executive secretary on forms provided~~  
14 ~~for that purpose and shall pay in advance to the North Dakota veterinary medical~~  
15 ~~examining board a fee of fifty dollars. Fees may not be returned, except by action~~  
16 ~~of the board. If the license is granted, the licensee shall pay on or before the date~~  
17 ~~set out in this section, for such time as the licensee shall continue practice, an~~  
18 ~~annual registration fee as determined by the board, based on the financial needs of~~  
19 ~~the board. The renewal registration fee must be paid by all licensed veterinarians.~~

20       ~~All veterinarians actually engaged and employed as such by the state, county, city, or~~  
21 ~~by any corporation, limited liability company, firm, or individual must be deemed to be practicing~~  
22 ~~veterinary medicine and shall secure a state license or certificate of qualification issued by the~~  
23 ~~board.~~

24       ~~Each person licensed by the board shall on or before the first day of July of each~~  
25 ~~calendar year be required to pay the annual renewal registration fee to the executive secretary.~~  
26 ~~Before the first day of June of each calendar year the executive secretary of the board shall~~  
27 ~~send a notice to each veterinarian who holds a license to practice veterinary medicine in the~~  
28 ~~state, whether resident or not, at that person's last address, that the annual renewal registration~~  
29 ~~fee is due on or before the first day of July.~~

30       ~~The executive secretary of the board shall issue a certificate of registration upon the~~  
31 ~~payment of the required fee and publish biennially for proper distribution a roster of all~~

~~veterinarians registered in the state of North Dakota, as soon as the registration for each~~  
~~two-year period is completed.~~ to the board. The application must show the applicant is a  
graduate of an accredited or approved college of veterinary medicine or the holder of a  
certificate. The application must also show the applicant is a person of good moral character  
and any other information and proof the board may require. The application must be  
accompanied by a fee in the amount established by the board. If the board determines an  
applicant possesses the proper qualifications, the board shall admit the applicant to the next  
examination. If the applicant is eligible for license without examination under section  
43-29-07.2, the board may grant the applicant a license. If an applicant is found not qualified to  
take the examination or for a licensee without examination, the board shall immediately notify  
the applicant in writing of this finding and the grounds of this finding. An applicant found  
unqualified may request a hearing on the question of the applicant's qualifications.

2. Each veterinarian licensed by the board, whether a resident or not, shall notify the  
secretary of any change in that person's office address or employment within sixty  
days after ~~such~~ the change has taken place. Any person licensed to practice  
veterinary medicine after the fifteenth day of April, or any person issued a  
temporary permit to practice veterinary medicine after that date, is exempt from this  
requirement to pay the annual registration fee until the first day of July of the year  
following licensure.

3. Registration ~~must be deemed~~ is a condition precedent to the practice of veterinary  
medicine and surgery in this state, and a certificate of registration currently in effect  
must be on display at all times in the office of each veterinarian engaged in active  
practice.

~~Any person registered under this chapter who may have forfeited his registration by~~  
~~nonpayment of fees may renew the same within one year without examination by paying such~~  
~~fees.~~

~~The board may by rule waive the payment of the registration fee of a licensed~~  
~~veterinarian during the period when the veterinarian is on active duty in connection with any~~  
~~branch of the armed forces of the United States, not to exceed the term of three years or the~~  
~~duration of the national emergency, whichever last occurs.~~

1           **SECTION 5.** A new section to chapter 43-29 of the North Dakota Century Code is  
2 created and enacted as follows:

3           **Examination - License without examination - Temporary permit.**

- 4           1. The board shall hold at least two examinations a year and may hold additional  
5 examinations as necessary. A person desiring to take an examination shall apply  
6 at least thirty days before the date of the examination. The board shall adopt rules  
7 governing preparation, administration, and grading of examinations. Examinations  
8 must be designed to test the examinee's knowledge of and proficiency in the  
9 subjects and techniques commonly taught in veterinary schools. To pass the  
10 examination, the examinee must demonstrate scientific and practical knowledge  
11 sufficient to prove competency to practice veterinary medicine in the judgment of  
12 the board. An examinee must be tested by written examination, supplemented by  
13 any oral interview and practical demonstration the board determines necessary.  
14 The board may adopt and use the examination prepared by the national board  
15 examination committee. After each examination, the board shall notify each  
16 examinee of the result of the examination, and the board shall issue a license to  
17 each person who passed the examination. The board shall record each new  
18 license and issue a certificate of registration to each new licensee. Any person  
19 failing an examination must be admitted to any subsequent examination on  
20 payment of the application fee.
- 21          2. The board may issue a license without a written examination to a qualified  
22 applicant who furnishes satisfactory proof of graduation from an accredited or  
23 approved college of veterinary medicine, or holds a certificate, and who:
- 24           a. Has for the five years immediately before filing of the application been a  
25 practicing veterinarian licensed in a state having license requirements at the  
26 time the applicant was first licensed which were substantially equivalent to the  
27 requirements of this chapter;
- 28           b. Has within the three years immediately before filing the application  
29 successfully completed the examinations provided by the national board of  
30 veterinary medical examiners; or

1           c. Currently holds a license to practice in at least one state, has active diplomat  
2           status in a specialty organization recognized by the American veterinary  
3           medical association, and whose practice is limited to the certified specialty in  
4           the state in which the specialist is licensed without examination.

5       3. The board may issue without examination a temporary permit to practice veterinary  
6       medicine in this state to:

7           a. A qualified applicant for license pending examination, if the temporary permit  
8           expires the day after the notice of results of the first examination given after  
9           the permit is issued. A temporary permit may not be issued to an applicant  
10          who previously has failed the examination in this or any other state or a  
11          foreign country.

12          b. A nonresident veterinarian validly licensed in another state or a foreign  
13          country who pays the fee established and published by the board if the  
14          temporary permit is issued for a period of no more than sixty days and no  
15          more than one permit is issued to a person during each calendar year.

16          c. A senior veterinary student who practices in the office of and under the direct  
17          supervision of a licensed veterinarian. A temporary student permit may not  
18          exceed six months from its date of issuance and is granted without payment  
19          of a fee.

20       **SECTION 6.** A new section to chapter 43-29 of the North Dakota Century Code is  
21       created and enacted as follows:

22       **License renewal - Continuing education requirements.**

23       1. All licenses expire annually as of July first but may be renewed by registration with  
24       the board and payment of the registration renewal fee established by the board.  
25       On June first of each year, the board shall mail a notice to each licensed  
26       veterinarian that the licensee's license will expire as of July first and provide the  
27       licensee with a form for registration. The board shall issue a new certificate of  
28       registration to a person reregistering under this section. Any person who willfully or  
29       by neglect fails to renew a license and who practices veterinary medicine after the  
30       expiration of the license is practicing in violation of this chapter.



2. Any qualified person may renew an expired license within two years of the date of its expiration by making written application for renewal and paying the current renewal fee plus all delinquent renewal fees. After two years have elapsed since the date of expiration, a license may not be renewed, but the holder may make application for a new license and take the license examination. The board may by rule waive the payment of the registration renewal fee of a licensed veterinarian during the period when the veterinarian is on active duty with any branch of the armed services of the United States, not to exceed the longer of three years or the duration of active duty.

3. The board may adopt rules establishing requirements for the continuing education of veterinarians and veterinary technicians. The board may refuse to renew or may suspend, revoke, or place on probationary status any license issued under this chapter upon proof the licensee has failed to meet the applicable continuing education requirements. Applicants for accreditation of continuing education courses, classes, or activities may be charged a reasonable fee determined by the board.

**SECTION 7. AMENDMENT.** Section 43-29-09 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**43-29-09. ~~Permit to practice issued by executive secretary of board~~ - Limited specialty license - Graduate veterinary technicians.** ~~Any person who desires to practice veterinary medicine, surgery, or dentistry may apply to the executive secretary of the board for a temporary permit to practice if the applicant possesses a degree or diploma showing the applicant to be a graduate of the veterinary course offered in a veterinary school, college, or university recognized by the board. Upon the payment of fifty dollars by the applicant, twenty-five dollars must be applied toward the examination fee and is forfeited if the applicant fails to appear at the next scheduled examination. No temporary permit may be issued to any applicant who has previously failed the examination. The executive secretary, if satisfied that the applicant is a qualified and a suitable person, and with the approval of the president of the board, shall issue a permit to practice until the next examination is offered by the board. The permit has the same force as a certificate from the board, but expires upon the adjournment of the next meeting of the board at which an examination is held.~~

1       ~~A senior veterinary student who practices in the office of, and under the direct~~  
2 ~~supervision of, a licensed veterinarian must obtain a temporary permit to practice veterinary~~  
3 ~~medicine in this state. A temporary student permit may not exceed four months from its date of~~  
4 ~~issuance and is granted without payment of a fee.~~

5       1. The board may issue a limited specialty license for the practice of that specialty in  
6 this state to a veterinarian, licensed in another state, who has passed a nationally  
7 recognized specialty board exam and who otherwise meets the qualifications to  
8 practice in this state. All limited specialty licenses regardless of when issued,  
9 expire on June thirtieth of each year and may be renewed in the discretion of the  
10 board. All veterinarians holding a limited specialty license are subject to this  
11 chapter during the term of the license. Fees for a limited specialty license are the  
12 same as for a regular license.

13       2. The board ~~shall~~ may adopt rules for the training, certification, and limits of activity  
14 for veterinary assistants and shall adopt rules for the licensing, training,  
15 certification, and limits of activity for veterinary technicians being trained and  
16 employed under the direct supervision and responsibility of a licensed veterinarian.  
17 All veterinary technicians must be registered with and subject to requirements  
18 established by the board.

19       **SECTION 8. AMENDMENT.** Section 43-29-13 of the 1995 Supplement to the North  
20 Dakota Century Code is amended and reenacted as follows:

21       **43-29-13. Practices excepted from ~~provisions of this chapter~~.** The following  
22 persons may not be considered to be engaging in the practice of veterinary medicine in this  
23 state:

- 24       1. Those who administer to livestock, the title to which rests in themselves, or in their  
25 regular employer, except where the ownership of the animal was transferred to  
26 avoid the requirements of this chapter, or those who perform gratuitous services.
- 27       2. ~~Those~~ Anyone who ~~conduct experimentation~~ conducts experiments in scientific  
28 research in the development of methods, techniques, or treatment, directly or  
29 indirectly applicable to the problems of medicine, and who in connection ~~therewith~~  
30 use with these activities uses animals.

- 1           3. ~~Those who are~~ Anyone who is a regular students student in a legally chartered  
2           and recognized an accredited or approved college of veterinary medicine, while in  
3           the performance of studies and acts performing duties or actions assigned by their  
4           instructors an instructor or working under the direct supervision of a licensed  
5           veterinarian during a school vacation period.
- 6           4. ~~Those who are~~ Anyone licensed in another state or nation when engaged in this  
7           state in consultation with veterinarians legally practicing herein, ~~providing such~~  
8           ~~consultation does not exceed thirty days in any one year.~~
- 9           5. ~~Those who are senior students~~ A senior student who is in an approved school of  
10          veterinary medicine and who ~~shall obtain~~ obtains from the board a student permit  
11          to practice in the office and under the direct supervision of any veterinarian  
12          practicing within this state.
- 13          6. ~~Those who are employees~~ Any employee of the United States ~~of America~~ or the  
14          this state of North Dakota while in the performance of ~~their~~ duties as ~~such~~  
15          employees.
- 16          7. ~~Those selling drugs, medicine, household remedies, or appliances at wholesale or~~  
17          ~~retail and advising as to the use and purpose of such drugs, medicine, household~~  
18          ~~remedies, or appliances.~~ Any merchant or manufacturer selling medicine, feed, an  
19          appliance, or any other product used in the prevention or treatment of animal  
20          diseases.
- 21          8. ~~Those who render auxiliary or supporting assistance under the responsible~~  
22          ~~supervision of a North Dakota licensed veterinarian, such as veterinary aids,~~  
23          ~~nurses, laboratory technicians, interns, or other employees of such licensed~~  
24          ~~practitioners.~~ Any veterinary technician or other employee of a licensed  
25          veterinarian performing duties under the direction and supervision of the  
26          veterinarian responsible for the technician's or other employee's performance.
- 27          9. Any member of the faculty of an accredited college of veterinary medicine  
28          performing regular functions or a person lecturing or giving instructions or  
29          demonstrations at an accredited college of veterinary medicine or in connection  
30          with a continuing education course or seminar.
- 31          10. Any person selling or applying any pesticide, insecticide, or herbicide.

- 1        11. Any graduate of a foreign college of veterinary medicine who is in the process of  
2                    obtaining a certificate and is performing duties or actions assigned by the  
3                    graduate's instructors in an accredited or approved college of veterinary medicine.

4            **SECTION 9. AMENDMENT.** Section 43-29-14 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6            **43-29-14. Refusal, suspension, and revocation of license and certificate -**  
7 **Reinstatement and relicense.**

- 8            1. The state board of veterinary medical examiners may ~~either~~ refuse to issue a  
9 license or ~~refuse to issue a~~ certificate of registration, or may suspend, or revoke a  
10 license and certificate of registration, upon any of the following grounds:
- 11        ~~4-~~ a. Fraud or deception in procuring the license.
- 12        ~~2-~~ b. The ~~publication or use of any untruthful or improper statement, or~~  
13 ~~representation, with a view of deceiving the public, or any client or customer in~~  
14 ~~connection with the practice of veterinary medicine~~ advertising or solicitation  
15 that is false, misleading, or otherwise determined unprofessional under rules  
16 adopted by the board.
- 17        ~~3-~~ c. Habitual intemperance in the use of intoxicating liquors, or habitual addiction  
18 to the use of morphine, cocaine, or other habit-forming drugs.
- 19        ~~4-~~ d. Immoral, unprofessional, or dishonorable conduct manifestly disqualifying the  
20 licensee from practicing veterinary medicine.
- 21        ~~5-~~ e. ~~Gross malpractice, including failure to furnish to the board, upon written~~  
22 ~~application by it, any report or information relating thereto.~~ Incompetence,  
23 gross negligence, or other malpractice in the practice of veterinary medicine.
- 24        ~~6-~~ f. ~~The employment~~ Employment of unlicensed persons to perform work ~~which~~  
25 that under this chapter can lawfully be done only by persons licensed to  
26 practice veterinary medicine.
- 27        ~~7-~~ g. Fraud or dishonest conduct in applying or reporting diagnostic biological tests,  
28 inspecting foodstuffs, or in issuing health certificates.
- 29        ~~8-~~ h. Failure of the licensee to keep the premises and equipment used in the  
30 licensee's practice in a reasonably clean and sanitary condition, and failure to  
31 use reasonably sanitary methods in the practice of veterinary medicine.

9.
  - i. Violation of the rules ~~as duly promulgated~~ adopted by the board in accordance with the law.
10.
  - j. Conviction of an offense determined by the board to have a direct bearing upon a persons ability to serve the public as a veterinarian, or when the board determines, following conviction of any offense, that a person is not sufficiently rehabilitated under section 12.1-33-02.1.
11.
  - k. Willful or repeated violations of ~~any provisions of this chapter or any of the rules of~~ rule adopted by the board.
  - l. Failure to report, as required by law, or making false report of, any contagious or infectious disease.
  - m. Cruelty to animals.
  - n. Revocation of a license to practice veterinary medicine by another state on grounds other than nonpayment of a registration fee.
  - o. The use, prescription, or sale of any veterinary prescription drug, or the prescription or an extra-label use of any over-the-counter drug in the absence of a valid veterinarian-client-patient relationship.
2. Any person whose license has been revoked may apply to the board for reinstatement and relicensure one year after the date of revocation. The board may reissue a license if the board is satisfied the applicant is qualified to practice veterinary medicine, meets the existing requirements for licensure, and will comply with the rules regarding the practice of veterinary medicine.

**SECTION 10. AMENDMENT.** Section 43-29-15 of the North Dakota Century Code is amended and reenacted as follows:

**43-29-15. ~~Hearing on charges~~ Complaints - Appeal Investigations.**

1. Any person may prefer charges on any of the grounds as set forth in subsections 1 to 11 of section 43-29-14 by filing file a written complaint with the board ~~in writing a sworn statement~~ setting forth the specific charges upon which the complaint is made. Upon receiving ~~any such~~ a complaint, the board shall give at least twenty days notice to the person complained about of the time and place for hearing thereon, together with a copy of the complaint filed, and after hearing all evidence and testimony presented thereon, the board has the power to revoke, or

1           ~~suspend for a limited time, the license and registration certificate of any registrant~~  
2           ~~found guilty by the board of improper conduct on any of the grounds as set forth in~~  
3           ~~subsections 1 to 11 of section 43-29-14. Any licensee whose license has been~~  
4           ~~revoked by the board may within thirty days thereafter upon written notice to the~~  
5           ~~board appeal to the district court in the county of the licensee's residence for a~~  
6           ~~hearing de novo of the charges on which his license was revoked. The licensee~~  
7           ~~has the right at any such hearing to be represented by counsel, to call witnesses,~~  
8           ~~and to cross-examine adverse witnesses. Any appeal regarding a limited specialty~~  
9           ~~license must be made to the Burleigh County district court.~~

10           ~~Any person whose license has been revoked may apply to the board for reinstatement~~  
11           ~~and relicense, and if the board is satisfied that such conduct will be discontinued may reissue a~~  
12           ~~license to such person~~ notify the veterinarian of the complaint and request a written response  
13           from the veterinarian. The board may adopt rules establishing a peer review committee for the  
14           purpose of investigating complaints and recommendations to the board. A veterinarian who is  
15           the subject of an investigation by the board shall cooperate fully with the investigation.  
16           Cooperation includes responding fully and promptly to any reasonable question raised by or on  
17           behalf of the board relating to the subject of the investigation and providing copies of records  
18           when reasonably requested by the board.

19           2. To pursue the investigation, the board may subpoena and examine witnesses and  
20           records, including medical records, copy, photograph, or take samples. The board  
21           may require the veterinarian to give statements under oath, to submit to a physical  
22           or psychological examination, or both, by a physician or other qualified evaluation  
23           professional selected by the board if it appears to be in the best interest of the  
24           public that this evaluation be secured. After review of the complaint, the  
25           veterinarian's response, and information obtained in the investigation, the board  
26           shall determine if there is a reasonable basis to believe the allegations are true and  
27           that the allegations constitute a violation of this chapter or the rules of the board. If  
28           the board determines there is a reasonable basis to believe the allegations are true  
29           and the allegations constitute a violation of this chapter or the rules of the board,  
30           the board shall take appropriate action. If a reasonable basis is not found by the  
31           board, the board shall notify the complaining party and the veterinarian in writing.

1           **SECTION 11. AMENDMENT.** Section 43-29-16 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3           **43-29-16. Proceedings on revocation or suspension of license - Appeals - Costs**  
4 **of prosecution - Disciplinary proceedings.**

- 5           1. All proceedings relative to the issuance, revocation, or suspension of a license, or  
6 relative to reissuing a license ~~which that~~ has been revoked ~~may only be held when~~  
7 ~~a majority of the members of such board are present at such hearings, and~~  
8 ~~throughout such hearings a stenographer must be present and take down the~~  
9 ~~testimony and preserve a record of all proceedings at the hearing. The complaint,~~  
10 ~~notice of hearing, proof of service of notice of hearing, which proof must show that~~  
11 ~~such notice was personally served upon the party against whom the complaint is~~  
12 ~~made, and all other documents in the nature of pleadings and written motions filed~~  
13 ~~in the proceedings, and all written documents presented in evidence, and the~~  
14 ~~transcript of testimony, and the findings of the board on such hearing, constitute~~  
15 ~~the record of such proceedings. Either party to the action may require that any of~~  
16 ~~the matters filed with the board be presented to the district court to whom the case~~  
17 ~~is appealed de novo~~ must be conducted pursuant to chapter 28-32. An appeal  
18 from the final decision of the board in any matter covered by this chapter may be  
19 taken to the district court of Burleigh County or the aggrieved party's county of  
20 residence in accordance with chapter 28-32.
- 21           2. In any order or decision issued by the board in which disciplinary action is imposed  
22 against a licensee, the board may direct the licensee to pay the board a sum not to  
23 exceed the reasonable and actual costs, including attorney's fees, incurred by the  
24 board in the investigation and prosecution of the case. When applicable, the  
25 licensee's license may be suspended until the costs are paid to the board.

26           **SECTION 12. REPEAL.** Sections 43-29-08 and 43-29-12 of the North Dakota Century  
27 Code are repealed.